



2008 JUN 11 PM 4:50

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OFFICE OF PETITIONS

United States Patent & Trademark Office
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

REGARDING PATENT NUMBER: 6049910

Payment Amount Sent: \$ 1,215. Plus \$30.00 per: (Notice of Non-Acceptance of Patent Maintenance Fee

Letter Dated April 23rd, 2008

"See Attached Letter")

Payment Year 7.5 (e.g, 3.5, 7.5, 11.5)

Dear Commissioner of Patents,

06/26/2008 DALLEN 00000001 6049910

01 FC:2552 1180.00 OP
02 FC:1599 65.00 OP

My name is Andre McCarter, I am the patent holder for patent # 049910. This is my letter of Request of Acceptance of my Patent Maintenance Fee being herein re-submitted.

Initially, I had submitted my maintenance fee for my 2nd payment year, (7.5) before the deadline of April 18th, 2008. My payment was sent via USPS Priority Mail /Delivery Confirmation, ("See Attached") and was received at USPTO according to my delivery confirmation on 04/16/2008. Some time later I received a letter that was titled Notice of Non Acceptance of Payment Maintenance Fee. My payment was enclosed and # 2 & # 8 were listed as reasons why my payment was not accepted. Reason # 8 which stated that my check payment was \$30.00 short of what was needed triggered # 2 on the list which was my patent has expired on 04/18/2008 though my payment was received and USPTO Mailroom Date Stamped on 04/16/2008.

Currently, it has been determined that the real reason my payment, listed above was not accepted by the deadline of 04/18/2008 was because my patent was not reinstated from expired to current/active after petition under 37 C.F.R. / 1.378 (b) was granted on the mail date of this decision on August 13, 2007. "See attached letter."

Below is a bullet-point timeframe of events that have led to my re-submission of my 2nd maintenance fee payment, (including the additional \$30.00), at this time and Refund Ref: 11/02/2009 00000001 6049910
11/02/2009 00000001 6049910
petition request that may payment be accepted and patent reinstated status active:

CHECK Refund Total: 11180.00
I sent my 2nd maintenance fee in and it was received at USPTO on April 16th two days before the deadline of April 18th, 2008

Adjustment date: 11/02/2009 CKHLUK
06/26/2008 DALLEN 00000001 6049910
01 FC:2552
-1180.00 OP

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- Sometime later I received a letter with my maintenance fee payment enclosed
- I called Mr. Cliff Congo, the Petitions Attorney for the Office Petitions who I had previously been correspondending with, I also had some contact with Mr. George Allen the USPTO Rep. who was listed on my Notice of Non-Acceptance of Patent Maintainance Fee Letter
- Over some more time and in between time in making contact with Mr. Allen & Mr. Congo to find out more information on why my maintenance fee was not accepted and what do I need to do to get the matter resolved some information became available from attorney Mr. Congo
- Mr. Congo stated that the more significant reason my maintenance fee was not accepted is as stated above in paragraph three.
- In my discussions with Mr Allen and the new information from paragraph three above, he said that I should present my situation to Ms. Terry Hooper whose office or department could best handle the re-submitting of my payment
- Over some time and after discussions with me, Ms. Hooper spoke to her supervisor to determine a timeframe and amount that would be acceptable to re-submit my fee payment.
- In Ms. Hooper's response from her meeting with her supervisor, (I think it is USPTO's Accounts Receivables Dept.?) they determined that they were not able to accept my re-submitted fee payment and that I would have to go through the Office of Petitions to submit my payment and see how the process goes from there.

Mr. Congo /Office of Petitions, I am re-submitting my 2nd maintenance fee payment, with all additional fees I am aware of included, for your acceptance and rein-statement of my patent. I am sure that this situation can be properly resolved and was unintentional.

Please accept my enclosed 2nd maintenance fee of \$1.245.00. Without further consequences please reinstate my patent.

I have a new address: Please forward all future correspondences to:

Andre McCarter
5333 Balboa Blvd. # 127
Encino, CA 91316

Thank you for your efforts and consideration in this matter.

Sincerely,



Andre McCarter

Cell # 818-984-6500